

As Amended by County Commission 11-09-09

Item No. _____

Prepared by: Christy L. Kinard

Approved by: Christy L. Kinard
Assistant County Attorney

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SHELBY COUNTY CODE OF ORDINANCES BY ADDING A NEW SECTION TO CHAPTER 2, ARTICLE II TO ESTABLISH PROCEDURES FOR BOARDS, COMMISSIONS, AUTHORITIES, AND OTHER PUBLIC BODIES RELATIVE TO COMPLIANCE WITH THE PUBLIC NOTICE PROVISIONS OF THE TENNESSEE OPEN MEETINGS ACT. SPONSORED BY COMMISSIONER GEORGE FLINN.

WHEREAS, The Tennessee Open Meetings Act requires that all public bodies give adequate public notice of all regular and special meetings; and

WHEREAS, The Shelby County Board of Commissioners deems it advisable to establish uniform procedures for all boards, commissions, authorities, and other public bodies subject to the Tennessee Open Meetings Act, whose members are appointed by the County Mayor and/or the County Commission, to give adequate public notice of all meetings in order to comply with said Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That Chapter 2, Article II of the Shelby County Code of Ordinances be and is hereby amended by adding the following new section for purposes of establishing uniform procedures for boards, commissions, authorities, and other public bodies, whose members are appointed by the County Mayor and/or the County Commission, to give adequate public notice of all meetings:

Sec. 2-____. Adequate public notice of meetings of boards, commissions, authorities and other public bodies.

All boards, commissions, authorities, and other public bodies whose members are appointed by the County Mayor and/or the Board of County Commissioners, shall give public notice of all regular and special meetings at least forty-eight (48) hours prior to any such meetings and shall utilize the following procedures for purposes of complying with the public notice provisions of the Tennessee Open Meetings Act:

(1) Notice shall contain the name of the board, commission, authority or other public body; the date and time of the regular or special meeting; the location of the meeting; and the physical location and website address where a copy of the agenda can be obtained.

(a) Special meeting. Notice of a special meeting shall include a statement that it is a special meeting and shall specify the objects or purposes for which such special meeting is called and no other business but that contained in the notice shall be transacted during such special meeting.

(b) Regular meeting. Nothing in this section shall prohibit the addition of items to an agenda for a regular meeting by consent or by majority vote of a board, commission, authority or other public body.

(2) Notice shall be provided to the Public Affairs Office of the County Mayor's Administration no later than seventy-two (72) business hours prior to a regular or special meeting of the board, commission, authority, or other public body is to be held and such notice shall be published in a newspaper of general circulation in the County, a weekly newspaper, an alternative newspaper, and ethnic minority newspapers, provided that such publication can be at no or minimal cost to the body, and that the publication schedule will not unduly delay the meeting, in the judgment of the body.

(3) The Public Affairs Office shall post the notice on the first floor bulletin board of the Shelby County Administration Building located at 160 N. Main Street in Memphis, Tennessee no later than forty-eight (48) business hours prior to a regular or special meeting of the board, commission, authority, or other public body is to be held; and shall post the notice on the webpage of the Shelby County website designated for such notices.

(4) Boards, commissions, authorities, and other public bodies with a permanent meeting date and location for regular meetings shall provide the Public Affairs Office with the notice information set forth herein and, thereafter, shall only be required to provide notice to the Public Affairs Office of special meetings or of a change in the notice information required for permanent regular meetings in accordance with the deadlines set forth herein.

(5) All agendas shall be available for public viewing no later than forty-eight (48) business hours prior to a regular or special meeting of a board, commission, authority, or other public body at the physical location and website address designated in the notice. All agendas shall be sufficiently detailed to inform the public of the subject matter of each item and shall be

posted together with all supporting documents in accordance with the Sire Document management System ordinance.

BE IT FURTHER ORDAINED, That this ordinance shall supersede any prior public notice procedures adopted by ordinance or resolution and any rules adopted by any board, commission, authority, or other public body to which this ordinance applies.

BE IT FURTHER ORDAINED, That this ordinance shall take effect pursuant to § 2.06(C)(4) of the Shelby County Charter, the public welfare requiring it.

Chairman of County Commission

A C Wharton, Jr., Shelby County Mayor

Date: _____

ATTEST:

Clerk of County Commission

FIRST READING: October 26, 2009

SECOND READING: November 9, 2009

ADOPTED

THIRD READING: _____